

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHRIS APPLEWHITE 99-A-6852,

Plaintiff

DECISION AND ORDER

-v-

04-CV-6602-CJS-MWP

MICHAEL MCGINNIS, *et al.*,

Defendants

This is an action brought pursuant to 42 U.S.C. § 1983 in which the plaintiff, a prison inmate at Southport Correctional Facility (“Southport”), has alleged that Michael McGinnis (“McGinnis”), the former superintendent of Southport, John Morton (“Morton”), a Corrections Sergeant at Southport, Randy Banks (“Banks”) a Corrections Officer at Southport, and Douglas Westervelt (“Westervelt”), also a Corrections Officer at Southport, violated his constitutional rights. Specifically, he alleges that on December 4, 2001, Morton, Banks, and Westervelt physically assaulted him, and that McGinnis failed to prevent the attack.

Over time the Court has received several letters from plaintiff in which he complains about matters relating to prison life that are not directly connected to the instant lawsuit. On April 6, 2007, the Court received another such letter from plaintiff, dated April 4, 2007, in which he complains, among other things, that he was harassed and issued a false misbehavior report on April 1, 2007 by Corrections Officers Cecce, Frisbie, and Wallner, who are not parties to this action. Plaintiff asks that his letter “be

treated as an application for the denial [sic] of T.R.O. relief or in the alternative reconsideration of denial of my applications for appointment of counsel.” Plaintiff has not demonstrated his entitlement to any of the relief that he seeks, accordingly his letter request is denied. (See, Decision and Order [#44] filed on April 2, 2007).

So Ordered.

Dated: Rochester, New York
April 12, 2007

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge